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Attorneys for Defendant  
 Apttus Corporation

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Yanira Gonzalez,  
  
 Plaintiff,  
  
 v.  
  
 Apttus Corporation, aka  
 Conga  
 Thoma Bravo  
  
 Defendant.

Case No. 3:21-cv-01844-JCS

**DEFENDANT'S CASE  
 MANAGEMENT STATEMENT**

Date: October 29, 2021  
 Time: 2:00p.m.  
 Ctrm.: Remote Conference  
 Judge: Hon. Joseph C. Spero,  
 Chief Magistrate Judge

Complaint Filed: 02/10/2021  
 Trial Date: Not Set

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Pursuant to Federal Rule of Civil Procedure 26(f) and the Standing Order for All Judges of the Northern District of California addressing the Contents of Joint Case Management Statements, Defendant APTTUS CORPORATION (“Defendant” or “Apttus”) submits the following Case Management Statement<sup>1</sup>:

1. Jurisdiction & Service

This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331 and 1367. On February 20, 2021, Plaintiff filed the civil lawsuit in the U.S. District Court for the Southern District of New York. The U.S. District Court for the Southern District of New York transferred this action to this Court on March 10, 2021. Plaintiff has asserted claims under Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, and Americans with Disabilities Act of 1990. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 over these claims. This Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) to all other non-federal question causes of action. There are no disputes concerning venue or personal jurisdiction.

2. Facts

Plaintiff was previously employed by Apttus. Plaintiff’s employment was terminated in or around December 13, 2019 due to Plaintiff’s unacceptable work performance and misrepresentation regarding her work location. Apttus denies Plaintiff’s allegations of unlawful harassment, discrimination, or retaliation. Plaintiff’s termination and any other adverse employment action alleged in this lawsuit: (1) were based on wholly legitimate, non-discriminatory, and non-retaliatory reasons; (2) are time barred and/or fail because Plaintiff failed to timely exhaust her administrative remedies; and/or (3) otherwise lack substantive merit.

3. Legal Issues

Plaintiff alleges the following causes of action against Apttus: (1) sex discrimination and/or retaliation pursuant to Title VII of the Civil Rights Act of 1964; (2) age discrimination and/or retaliation pursuant to the Age Discrimination in Employment Act of 1967; (3) disability

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<sup>1</sup> Plaintiff declined to submit a Joint Case Management Statement, and it is Defendant’s understanding that Plaintiff intends to file her own submission.

1 discrimination and/or retaliation pursuant to the Americans with Disabilities Act of 1990;  
 2 (4) employment discrimination pursuant to the New York State Human Rights Law;  
 3 (5) employment discrimination pursuant to the New York City Human Rights Law.

4 Beyond Plaintiff's previously having an employment relationship with Apttus, the  
 5 elements of each of Plaintiff's legal claims and the grounds for this action are at issue. Defendant  
 6 has asserted numerous affirmative defenses, which are also at issue.

7 4. Motions

8 Apttus intends to file a motion for judgment on the pleadings and/or motion for summary  
 9 judgment/adjudication as appropriate.

10 5. Amendment of Pleadings

11 The Parties do not anticipate the need to amend their pleadings but reserve the right to do  
 12 so should the need for amendment arise in the course of litigation. Defendant proposes the  
 13 following deadline amending the pleadings: December 15, 2021.

14 6. Evidence Preservation

15 Apttus certifies that it has reviewed the Guidelines Relating to the Discovery of  
 16 Electronically Stored Information, and has undertaken efforts to preserve relevant evidence.

17 7. Disclosures

18 The parties have not yet served their initial disclosures or produced documents pursuant to  
 19 General Order No. 71. Defendant proposes the following deadline for service of initial disclosures  
 20 and production of documents pursuant to General Order No. 71: November 22, 2021.

21 8. Discovery

22 The parties have not yet engaged in discovery. Defendant anticipates serving written  
 23 discovery, including interrogatories and requests for production, and deposing Plaintiff, Plaintiff's  
 24 expert witness (if any), and possibly other witnesses who may be discovered during discovery.

25 9. Class Actions

26 This is not a class action.

27 10. Related Cases

28 There are no related cases.

11. Relief

Defendant denies that Plaintiff is eligible for any relief and reserves the right to seek costs of litigation against Plaintiff should Defendant prevail.

12. Settlement and ADR

The parties have engaged in informal settlement discussions, but have not yet participated in any further ADR. Apttus is agreeable to participating in a settlement conference with a magistrate judge.

13. Consent to Magistrate Judge For All Purposes

Both parties have previously filed consent to proceed before a magistrate judge.

14. Other References

It is Defendant's position that this case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

It is Defendant's position that there is no narrowing of issues at this time.

16. Expedited Trial Procedure

Defendant is not aware of any means to expedite or streamline the process at this time.

17. Scheduling

Apttus proposes the following schedule:

| <u>Deadline</u>                     | <u>Date</u>        |
|-------------------------------------|--------------------|
| Completion of Initial ADR Session   | February 28, 2022  |
| Non-Expert Discovery Cut-Off        | April 29, 2022     |
| Dispositive Motion Hearing Deadline | June 17, 2022      |
| Expert Disclosure                   | August 15, 2022    |
| Rebuttal Expert Disclosure          | September 30, 2022 |
| Expert Discovery Cut-Off            | October 31, 2022   |
| Final Pretrial Conference           | January 10, 2023   |
| Trial                               | March 6, 2023      |

1 18. Trial

2 Plaintiff has requested a jury trial. Defendant anticipates that trial will last three days.

3 19. Disclosure of Non-party Interested Entities or Persons

4 Defendant has not yet filed its Certification of Interested Entities or Persons, but will do  
5 so before the October 29, 2021 Case Management Conference.

6 20. Professional Conduct

7 Defendant's attorneys of record have reviewed the Guidelines for Professional Conduct  
8 for the Northern District of California.

9 21. Other

10 Defendant is not aware of any other matters that may facilitate the just, speedy, and  
11 inexpensive disposition of this matter.

12 Dated: October 20, 2021

JACKSON LEWIS P.C.

13  
14 By: /s/ Jamie M. Goetz-Anderson

15 Dylan B. Carp  
16 Jamie M. Goetz-Anderson  
17 Attorneys for Defendant  
18 Apttus Corporation  
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